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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,213	02/07/2007	Gordon L. Anderson	59049US004	4806
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3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER CHAN, SING P	
			ART UNIT 1791	PAPER NUMBER
			NOTIFICATION DATE 10/05/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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LegalDocketing@mmm.com

### Office Action Summary

**Application No.**

10/595,213

**Applicant(s)**

ANDERSON, GORDON L.

**Examiner**

SING P. CHAN

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 21 recites the limitation "guide structure" in line 10. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 21 recites the limitation "releasably coupling structure" in line 15. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 25 recites the limitation "guide structure" in line 10. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 25 recites the limitation "releasably coupling structure" in line 16. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 32 recites the limitation "guide structure" in line 10. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 35 recites the limitation "guide structure" in line 10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 21-24, 30-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang (U.S. 6,601,630) in view of Shinozaki et al (U.S. 6,508,287).

Regarding claims 21-24, 30, 32-34, and 34, Kang discloses an apparatus for applying tape to car door sash. The apparatus includes pressure drums (4 and 6), i.e. application structure, a drum cap (12), i.e. guide structure, for adjusting the length of the application structure and the width of an adhesive tape, an inner roller block (16) mounted to a block housing (14) together with drum block (2), i.e. main body, to provide a space for adjusting the position of a plurality of rollers (18), a slide support (22) mounted to inner roller block (16) so as to be adjusted in the same direction, an outer roller block (26) with a plurality of rollers (24), i.e. directing structure, mounted to slide support (22) to allow for adjustment of height with bolts to clamp the apparatus to the sash or to biasing the rollers (24) toward the pressure drums (4 and 6). Furthermore, the bolts function as the adjusting means to adjust the position of each block (2, 16, 26),

drum cap (12) and slide support (22) (Col 2, line 63 to Col 3, line 10), which are also a releasably coupling structures. The space between drum cap (12) and drum block (2) is adjusted by fastening or unfastening bolt (28) thereby adjusting the length of the space between drum block (2) and cap drum to the width of the adhesive tap as well as the length of the pressure drums (4 and 6) and guide bars (8 and 10) (Col 3, lines 24-39). Kang is silent as to the application structure pivotably coupled to the direction structure. However, provide a pivotable structure between the application structure and directing structure is well known and conventional as shown for example by Shinozaki et al. Shinozaki et al discloses an apparatus for applying adhesive tape to a door sash frame. The apparatus includes elastic rollers (5) or application structure on holding piece (2), guide rollers (6) or guide structure on second holding piece (3), and are connected by a pivot pin (7) (Col 3, lines 1-17), which allow for pivotal coupling to the door sash frame.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to couple the application structure and the guide structure with a pivot pin as disclosed by Shinozaki et al in the apparatus of Kang to provide an apparatus for applying tape with improve stably, accurately, with high speed, and improved operability. (See Shinozaki et al, Col 1, lines 63-67)

Regarding claim 31, Kang discloses guide bars (8 and 10) for receiving the adhesive tap (Col 4, lines 63-66)

***Allowable Subject Matter***

12. Claims 25-29 and 35-36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

13. Applicant's arguments filed August 16, 2010 have been fully considered but they are not persuasive.

14. In response to applicant's argument that "guide structure" and "a guide structure" and "releasably coupling structure" and "a releasably coupling structure" are equivalent, the examiner disagrees, since it is unclear if "guide structure" and "releasably coupling structure" are intended to be the first incident of the recitation as in "a guide structure" and "a releasably coupling structure" or as a second incident of the recitation as in "said guide structure" or "said releasably coupling structure." Therefore, it is unclear if these recitations have proper antecedent basis.

15. Applicant's arguments with respect to claims 21 and 32 have been considered but are moot in view of the new ground(s) of rejection with the newly cited reference to Shinozaki et al (U.S. 6,508,287) which recite the application structure or elastic roller mounted on a holding piece (2) and guiding structure or guide rollers (6) mounted on second holding piece (3) and coupled together with a pivot pin (7) allowing the two structure to pivot.

16. Claims 25-29 and 35-36 are rejected under 112 rejection and would be allowable if amended to over the 112 rejections.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SING P. CHAN whose telephone number is (571)272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sing P Chan/  
Acting Examiner of Art Unit 1791

/Philip C Tucker/  
Supervisory Patent Examiner, Art Unit 1791